

IAP7 Rec'd PCT/TO 09 JAN 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : Not yet assigned Confirmation No. :  
PCT No : PCT/GB02/02730  
Applicant : John Dunlop Pitt et al.  
Filed : Herewith (International Filing Date: 14 June 2002)  
TC/AU : Not yet assigned  
Examiner : Not yet assigned

Docket No. : 8830-338(209954)  
Customer No. : 23973

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OFFICE OF PETITIONS

Mail Stop PCT

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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7 MAR 2006

Attention: PCT Legal Office

RENEWED PETITION UNDER 37 CFR 1.137(b)

Legal Staff  
International Division

Sir:

This is a Renewed Petition to review an abandoned application for failure to file a timely national application under 35 U.S.C. 371 with the United States Patent and Trademark Office. The date of abandonment is the day after the expiration of the 30 month date from application's earliest filing date, (i.e., the application expired on August 13, 2004.) A petition to revive was filed on May 27, 2005 and included the requisite fee. The petition was denied, without prejudice, since it was not clear whether the assignee had the right or authority to reply during the whole time of abandonment. The decision on the petition specified that the petition could be resubmitted within two months from the date of mailing of the decision (i.e., November 23,

CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BY

DATE

*Barbara M. McFadyen*  
*January 5, 2006*

2005) to correct the deficiency.

The undersigned attorney, Robert Cannuscio, contacted PCT Legal Examiner Boris Milef to discuss the petition. Examiner Milef stated that the rules permit an attorney of record to make the representation that the entire delay between abandonment and the filing of a grantable petition was unintentional. The undersigned thanks Examiner Milef for his time and guidance in this matter. Enclosed with this petition is a statement by the undersigned attorney for the Applicant.

### **Petition**

Applicant hereby petitions for revival of this application.

### **Petition Fee**

The petition fee of \$750.00, as set forth in 37 CFR 1.17(m), was previously paid by Applicant at the time of filing of the initial Petition. This request for renewal is being filed within the two month period permitted in the Decision on Petition. Thus, no further fee is required to renew the petition. However, if any additional fee is determined to be due, please charge such fee, and credit any overcharge to Deposit Account 50-0573.

### **Submission of Application**

An application under 35 U.S.C. 371 was previously submitted with the original petition. Since a Serial Number has been issued in the application, it is believed that no further submission is necessary. If any of the application papers previously submitted are needed, please contact the undersigned.

### **Terminal Disclaimer**

Since this application was filed after June 8, 1995, no disclaimer is needed.

### **Statement Regarding Delay**

A statement from the undersigned regarding the delay is attached hereto.

If direct communication with Applicant's representative will assist with the evaluation of this petition, the Examiner is invited to contact the undersigned.

Date: 1/4/06

Respectfully submitted,



ROBERT E CANNUSCIO  
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Attorney for Applicants

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OFFICE OF PETITIONS

**STATEMENT FROM APPLICANT'S ATTORNEY IN SUPPORT OF PETITION FOR  
REVIVAL OF APPLICATION**

Sir:

I, Robert E. Cannuscio, declare as follows:

I am an attorney representing the Applicant in the above-referenced application.

A Statement attesting to the fact that the entire delay from abandonment through the filing of the petition was previously submitted with the original petition. That Statement was signed by the Assignee. However, the Office of Petitions was unsure whether the Assignee, Agripa Limited, owned the application the entire time from the date of abandonment through the filing of the petition. Although the assignment that was provided with the prior Statement was

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BY

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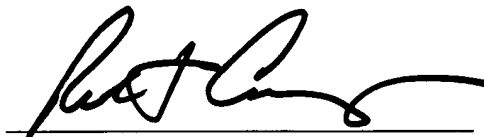
dated after the abandonment, that document was simply confirming the ownership interest in the application. This application is a PCT application which was filed on behalf of the Assignee, Agripa Limited. Agripa Limited has owned the application at least since the filing of the PCT application (i.e., at least since June 14, 2002.)

I have discussed the ownership issue with representatives of the Applicants. Based on the facts related to the filing of this application and the information that has been provided to me by representatives of the Applicants and the Assignee, the entire delay in filing a national application related to the above international application from the date the national application was required to be filed until the date of filing of grantable petition under 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

1/4/06



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